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Peninsulan held in spy case

by Steve Taylor
Valley Journal staff

SAN FRANCISCO — A Mountain View man was charged Monday with selling classified information related to the Minuteman ballistic missile to a Polish government agent who passed it on to KGB agents for the Soviet Union, FBI officials announced this morning.

The information was described as the key to the American efforts to make the Minuteman system secure from an enemy attack.

James Durward Harper Jr. allegedly obtained the information from two government contract companies in Palo Alto, where Harper's now-deceased wife was employed and had a security clearance.

FBI spokesman Special Agent Bob Galt of the San Francisco FBI office said the damage done to U.S. defense and security is "beyond calculation." Galt quoted a U.S. Defense Department technology expert as saying this leak has done "serious damage to the national security."

The Minuteman is the primary land-based missile system deployed by the United States.

The criminal complaint filed against Harper indicates that some documents describe "extremely sensitive research and development efforts ... which would enable the Minuteman missile and other strategic forces ... to survive a preemptive nuclear attack by the Soviet Union."

Galt described the arrest of Harper as one of the biggest espionage cases ever uncovered in the Bay Area.

Agents said the investigation still is underway and that further arrests may be made.

Another Mountain View man, William Bell Hugle, who operates B and D Associates of San Jose, an engineering consulting firm, is among those being investigated, according to officials. Hugle has not been arrested.

Harper, 49, a contract engineer, was arrested Saturday at his apartment at 1931 California St., Mountain View. He appeared before U.S. Magistrate Owen E. Woodruff Tuesday and was ordered held without bail until another hearing today. He faces a capital crime espionage charge. If convicted of the charge, Durward could face a maximum sentence of life in prison.

At his appearance Tuesday, Harper said, "I have no intention to hire a lawyer. My intention is to

cooperate with authorities to expedite the proceedings."

Harper received at least \$250,000 for the information he supplied, according to FBI agents. Agents said he might have sold the information for much more money.

According to an affidavit filed with the criminal complaint against Durward, the FBI obtained information about the espionage activity from a high-ranking officer in the Polish intelligence service.

The affidavit alleged that Harper "did unlawfully, knowingly and willfully conspire" with Zdzislaw Trzychodzien, an officer in the Polish intelligence service Sluzba Bezpieczenstwa, and others to transmit the defense documents to the Polish People's Republic.

Harper's wife, Ruby Louise Schuler, was employed by Systems Control Inc. and Systems Control Technology, sister companies at 1801 Page Mill Road, Palo Alto, and both government contracting firms that work on a portion of the Minuteman system and other government defense projects.

According to the FBI, Schuler obtained copies of the documents for Harper. Schuler died in June.

Beginning in May 1979, Harper met on 14 different occasions with Polish agents in Warsaw, Geneva, Vienna, Mexico City and other sites.

Galt said Hugle introduced Harper to the Polish agents.

At those meetings arrangements were made to sell the information, deliver the information and receive payment, according to FBI officials.

An affidavit said that when the documents about the Minuteman were delivered to the Polish intelligence service in Warsaw on June 5, 1980, a team of 20 KGB analysts and engineers were sent by plane from Moscow to Warsaw to evaluate them. The following month, the officers instrumental in obtaining the documents received a commendation signed by Soviet President Yuri Andropov, who was then head of the KGB.

The FBI said its agents recovered some government documents when they arrested Harper, who had no government security clearances, at his Mountain View apartment.

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The FBI affidavit quoted John Cunningham of the Army's Ballistic Missile Defense Project Office as saying documents stolen by the Harpers were "extremely sensitive research and development efforts undertaken by the Department of Defense which would enable the Minuteman missile and other strategic forces of the United States to survive a pre-emptive nuclear attack by the Soviet Union."

Cunningham told the FBI that "communication of these documents to the Polish People's Republic and the Soviet Union would cause serious damage to our national defense and would provide Warsaw Pact analysts with a windfall of intelligence and information about the capabilities of our strategic forces and our present and future plans to defend them."

The FBI said that during the investigation information was obtained from a "confidential source who had direct access to Polish intelligence information."

It said the source was a high-ranking officer in the S.B., the Polish secret police, and worked directly with Zdzislaw Przychodzien, then a lieutenant colonel in the S.B. as well as with their superior officer, Sergei Gromotowicz.

The affidavit said that in September 1981, an attorney in the Los Angeles area contacted CIA officials with a proposal made on behalf of an unnamed client who was ultimately identified as Harper.

The proposal was that the government grant him immunity from prosecution for crimes relating to the illegal sale of trade and defense secrets to agents of the Polish government, in exchange for the client cooperating with the government as an informant against others and as a counterintelligence operative.

Harper was never granted immunity.

While keeping the identity of his client secret in February and March of 1982, the attorney provided, with the consent of Harper, detailed but anonymous statements concerning the man's past deeds and experiences in selling information to representatives of the Polish government.

The statements were prepared from tape recordings made by Harper. In early March 1982, the attorney said he also represented Harper's wife, Ms. Schuler, who had participated in the espionage. He proposed that any agreement include her. She died in June.